

1 I, George Gascón, declare:

2 1. I am the District Attorney for the City and County of San Francisco. I have been the San  
3 Francisco District Attorney since 2011. Prior to becoming the District Attorney, I served as the San  
4 Francisco Chief of Police from August, 2009 through January, 2011. Before moving to San Francisco, I  
5 served as the Chief of Police in Mesa, Arizona for three years, and served in the Los Angeles Police  
6 Department for over twenty years. I have over 30 years' experience in law enforcement.

7 2. The goal and mission of my agency is to make San Francisco the safest large city in  
8 America by working to implement a modern justice system that focuses on crime prevention, victims,  
9 and violent offenders. I believe we are safer together when we remove barriers for victims of crime,  
10 work with the community to address neighborhood concerns, and provide services to our city's most  
11 vulnerable populations.

12 3. It is impossible to meet this goal and effectively police and prosecute if the communities  
13 you serve do not trust you. The absence of trust leads to reduced reporting of crimes and an  
14 unwillingness to work with law enforcement in order to ensure dangerous people are held accountable  
15 for their actions. This dynamic results in violent offenders getting away with crimes and recidivating  
16 because many members of our community are afraid to come forward. It is naïve to think that  
17 unreported crimes and criminals do not pose a threat that extends far beyond immigrant communities.

18 4. Immigrants, and in particular undocumented immigrants, fear interactions with law  
19 enforcement and distrust government agencies. Research shows that 70 percent of undocumented  
20 immigrants polled in a 2013 study were less likely to contact law enforcement authorities if they were  
21 victims of a crime. What's worse, 44 percent of Latinos surveyed, not just undocumented immigrants,  
22 reported being less likely to contact police officers if they have been the victim of a crime because they  
23 fear that police officers will use this interaction as an opportunity to inquire into their immigration status  
24 or that of people they know. University of Illinois at Chicago, Lake Research Partners: Insecure  
25 Communities: Latino Perceptions of Police Involvement in Immigration Enforcement, May 2013.

26 5. The current fear and distrust of law enforcement agencies is currently impacting my  
27 agency's ability to effectively ensure public safety. For example, my office recently prosecuted a  
28 domestic violence case that went to trial. At trial, a witness was cross-examined by a Deputy Public

1 Defender about her immigration status, with the line of questioning suggesting that she was testifying in  
2 order to secure a U-VISA for her cooperation. A judge ruled that the line of questioning was irrelevant,  
3 as the witness learned about the U-VISA program only after having reported the crime. The jury was  
4 unable to reach a verdict, and when we sought to retry the case the witness indicated she was unwilling  
5 to testify again in part due to the fact that her immigration status had become a focal point during the  
6 trial. As a result, we had to dismiss the case and the offender was not held accountable for his violent  
7 actions.

8 6. That fear and distrust of law enforcement has a detrimental impact on public safety has  
9 been my historical experience as well. When I came to Mesa to serve as Chief of Police, the city was  
10 experiencing increased violent and property crime. During my tenure there we were able to reduce both  
11 kinds of crime substantially. However, during that same time, in the unincorporated area of Maricopa  
12 County policed by Joe Arpaio's Sheriff's Department, crime was increasing. Between 2004 and 2007,  
13 Sheriff Arpaio presided over a 69 percent *increase* in violent crime rates, a 166 percent *increase* in  
14 homicides, and a *plummeting* arrest rate. Bolick, Clint. "Mission Unaccomplished: The Misplaced  
15 Priorities of the Maricopa County Sheriff's Office." *Goldwater Institute*, 2 Dec. 2008. We found that a  
16 reason crime was going up just across city lines, while in similar communities within city limits crime  
17 was going down, was because we began to develop a relationship with our community members who  
18 were willing to report crime and work with us. In the case of the Maricopa County Sheriff's  
19 Department, people were afraid to report crimes because they did not know if they, or a neighbor, could  
20 be deported as a result.

21 7. It is these experiences that have led me to take steps to ensure my office is accessible to  
22 all communities. For example, in 2013 my agency partnered with local community leaders to launch an  
23 immigration fraud public education campaign. The multilingual campaign in English, Spanish, and  
24 Chinese educated immigrant communities how to ensure an immigration consultant they had chosen was  
25 licensed or bonded. The campaign helped warn immigrant communities about scammers who made  
26 false claims of influence with government officials. Many were being defrauded by people who said  
27 they could move a client to the front of the line for work permits or U.S. visas. I have also moved our  
28 victim advocates out into the community in places where members of our immigrant community feel



1 safe coming to report crimes. It is my experience that undocumented immigrants often do not feel safe  
2 entering the Hall of Justice due to the significant police presence.

3 8. On a citywide basis, a key strategy is San Francisco's Sanctuary City status. This enables  
4 victims and witnesses to report crimes without fear that there will be an inquiry into their immigration  
5 status or someone they know.

6 9. Establishing trust will remain difficult as long as undocumented immigrants feel unsafe  
7 coming forward. That is why the language we are seeing from our President in the media, which is  
8 making entire immigrant communities-our neighbors, friends and family-feel unsafe, is so harmful.  
9 These statements are making our immigrant communities less likely to come forward and work with  
10 authorities both as victims and witnesses. Our system only functions when the community works with  
11 us, and it is incredibly difficult to make people feel like they are part of our community and to bring  
12 them out of the shadows and ensure they feel safe reporting crimes to police when they often view local  
13 law enforcement authorities as closely associated with the views and aims of the federal government and  
14 this President.

15 10. Having served in multiple states and jurisdictions, and working with various communities  
16 as both a police officer and prosecutor, I have seen that public safety is highly dependent on cooperation  
17 from all members of our community-including immigrants. In fact, a recent study from the University  
18 of California, San Diego demonstrates the benefit of policies proven to enhance cooperation. Their  
19 study found that there are broad benefits for local jurisdictions that resist complying with federal  
20 immigration enforcement, concluding that there are, on average, 35.5 fewer crimes committed per  
21 10,000 people in sanctuary jurisdictions compared to non-sanctuary counties. Wong, Tom. "The Effects  
22 of Sanctuary Policies on Crime and the Economy." *Center for American Progress*, 26 Jan. 2017. The  
23 study also found that working with federal immigration made it harder for local police agencies to  
24 investigate crime because witnesses and victims who were in the country illegally were less likely to  
25 come forward if they thought they risked being detained or deported.

26 11. Based on my own experiences and studies such as the aforementioned, I can conclude  
27 that my agency's ability to fulfill its mission depends on immigrants being able to come out of the  
28 shadows and work with law enforcement without fear of immigration consequences.

Executed on October 25, 2017, at San Francisco, California.

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DECLARATION OF GEORGE GASCÓN

All DACA Cases (Nos. 17-5211, 17-5235, 17-5329, 17-5380, 17-5813)



# EXHIBIT ZZ

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**UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA  
 SAN FRANCISCO DIVISION**

THE REGENTS OF THE UNIVERSITY OF  
 CALIFORNIA and JANET NAPOLITANO,  
 in her official capacity as President of the  
 University of California,

Plaintiffs,

v.

U.S. DEPARTMENT OF HOMELAND  
 SECURITY and ELAINE DUKE, in her  
 official capacity as Acting Secretary of the  
 Department of Homeland Security,

Defendants.

CASE NO. 17-CV-05211-WHA

**DECLARATION OF NANCY E.  
 O'MALLEY**

DECLARATION OF NANCY E. O'MALLEY

All DACA Cases (Nos. 17-5211, 17-5235, 17-5329, 17-5380, 17-5813)

STATE OF CALIFORNIA, STATE OF  
MAINE, STATE OF MARYLAND, and  
STATE OF MINNESOTA,

Plaintiffs,

v.

U.S. DEPARTMENT OF HOMELAND  
SECURITY, ELAINE DUKE, in her official  
capacity as Acting Secretary of the Department  
of Homeland Security, and the UNITED  
STATES OF AMERICA,

Defendants.

CASE NO. 17-CV-05235-WHA

CITY OF SAN JOSE, a municipal corporation,

Plaintiffs,

v.

DONALD J. TRUMP, President of the United  
States, in his official capacity, ELAINE C.  
DUKE, in her official capacity, and the  
UNITED STATES OF AMERICA,

Defendants.

CASE NO. 17-CV-05329-WHA

DULCE GARCIA, MIRIAM GONZALEZ  
AVILA, SAUL JIMENEZ SUAREZ,  
VIRIDIANA CHABOLLA MENDOZA,  
NORMA RAMIREZ, and JIRAYUT  
LATTHIVONGSKORN,

Plaintiffs,

v.

UNITED STATES OF AMERICA, DONALD  
J. TRUMP, in his official capacity as President  
of the United States, U.S. DEPARTMENT OF  
HOMELAND SECURITY, and ELAINE  
DUKE, in her official capacity as Acting  
Secretary of Homeland Security,

Defendants.

CASE NO. 17-CV-05380-WHA



COUNTY OF SANTA CLARA and  
SERVICE EMPLOYEES INTERNATIONAL  
UNION LOCAL 521,

CASE NO. 17-CV-05813-WHA

Plaintiffs;

v.

DONALD J. TRUMP, in his official capacity  
as President of the United States, JEFFERSON  
BEAUREGARD SESSIONS, in his official  
capacity as Attorney General of the United  
States; ELAINE DUKE, in her official  
capacity as Acting Secretary of the Department  
of Homeland Security; and U.S.  
DEPARTMENT OF HOMELAND  
SECURITY,

Defendants.

DECLARATION OF NANCY E. O'MALLEY

All DACA Cases (Nos. 17-5211, 17-5235, 17-5329, 17-5380, 17-5813)

1 I, Nancy E. O'Malley, declare and state as follows:

- 2 1. I am Nancy E. O'Malley, the elected District Attorney for the County of Alameda and have  
3 served as District Attorney since 2009;
- 4 2. I have worked in the Alameda County District Attorney's Office since 1984, beginning as a  
5 Deputy District Attorney. I served as the Chief Assistant District Attorney for the Office from  
6 1999 until becoming the District Attorney of Alameda County. There are 410 employees,  
7 including 158 attorneys, 75 sworn peace officers, 40 Victim Assistants;
- 8 3. While Chief Assistant, I founded the Alameda County Justice Center (ACFJC), a one-stop  
9 center, with more than 30 onsite and over 50 offsite agencies providing comprehensive and  
10 collaborative responses to victims of domestic violence and their children, to victims of sexual  
11 assault and child sexual abuse, elder abuse and importantly, to victims of all forms of human  
12 trafficking. The ACFJC is also a place of empowerment for survivors. Children (0-5 years  
13 old) are learning to read and growing their vocabularies; their moms who have been victims of  
14 domestic violence are learning job skills and career paths; teens who have lived in homes with  
15 domestic violence are going to stay-away wilderness camp and receiving homework help;  
16 commercially sexually exploited minors are participating in the Young Woman's Saturday  
17 Program (YWSP) to begin their recovery from victimization to pathways for a safe, productive  
18 and healthy future. Forty-five percent (45%) of the clients at the ACFJC are mono-lingual  
19 Spanish and more than 100 languages are spoken. Many clients have quietly disclosed that  
20 they are in this country without documentation ("undocumented"). More than 125 young  
21 women have participated in the YWSP and several have disclosed that they are protected  
22 under DACA. The ACFJC is one of seven (7) Trauma Recovery Centers (TRC) in California  
23 providing psychological, behavioral health and health care services to clients;
- 24 4. I have worked closely with and supervised our Victim-Witness Assistance Division, which  
25 provides a variety of services for victims, witnesses, and their families recovering from the  
26 devastating impacts of crime. Annually, the staff works with nearly 10,000 victims and their  
27 families, providing nearly 90,000 victim services. The ACFJC serves an additional 14,000  
28 clients per year, including women, their children and approximately 1,000 men;